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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Kern County Parks and Recreation Department
2820 M Street
Bakersfield, CA 93301

Attn: Don Woodard, Planner II
Kern County Parks and Recreation Department

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1502325**

C I T A T I O N N O . 03-19-14C-012

Issued on September 4, 2014

STATEMENT OF FACTS

Kern County Parks and Recreation – Tehachapi Mountain Park Water System (hereinafter Water System) is classified as a transient, non-community Water System and serves a population of approximately 205 persons through 45 service connections.

The Water System operates under the authority of a permit issued on November 18, 1971, by the County of Kern, (No. 2325).

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section

1 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order
2 issued or adopted thereunder.

3
4 The State Water Resources Control Board, acting by and through its Division of
5 Drinking Water (hereinafter "Division") and the Deputy Director for the Division
6 (hereinafter "Deputy Director"), hereby issues a citation to Kern County Parks and
7 Recreation –Tehachapi Mountain Park Water System (2820 M Street, Bakersfield, CA
8 93301) for violation of California Code of Regulations (CCR), Title 22, Section
9 64426.1 subsection (b)(2).

- 10
- 11 • The Water System is required to collect a minimum of two (2) distribution
12 system bacteriological samples per month, in accordance with its approved
13 Bacteriological Sample Siting Plan.
 - 14 • One (1) out of the two (2) routine bacteriological quality samples collected on
15 May 19, 2014, from the distribution system, tested positive for total coliform
16 bacteria and *E. coli* bacteria.
 - 17 • Three (3) repeat bacteriological samples collected on May 22, 2014, from the
18 distribution system, tested positive for total coliform bacteria. Two (2) of the
19 total coliform positive samples also tested positive for *E. coli* bacteria.
 - 20 • One (1) repeat bacteriological sample collected on May 22, 2014, from T-1
21 West Spring (also counted towards the Ground Water Rule's trigger source
22 sampling requirement), tested negative for total coliform bacteria.
 - 23 • **Kern County Parks and Recreation – Tehachapi Mountain Park Water**
24 **System failed the total coliform maximum contaminant level (MCL) for**
25 **May 2014 [Section 64426.1(b)(2), *Authorities*].**
 - 26 • The Division was not notified of the positive *E. coli* sample collected on May
27 19, 2014. On May 23, 2014, the Division staff learned of the routine *E. coli*

1 positive coliform sample, from a report received via email from Zalco
2 Laboratories, Inc. [Section 64426.1(c), *Authorities*].

- 3 • On May 23, a Boil Water Notice (BWN) was issued to the Water System in
4 response to the positive *E. coli* sample collected on May 19, 2014.
- 5 • On May 23, 2014, the Water System provided emergency disinfection of the
6 distribution system. The distribution system was also flushed at that time.
- 7 • The Water System also inspected all domestic water supply facilities.
- 8 • Fourteen (14) special bacteriological samples, collected on May 27, 2014, from
9 the distribution system, storage tanks, and both springs (East Spring and West
10 Spring), tested negative for total coliform bacteria.
- 11 • A second set of fourteen (14) special bacteriological samples, collected on May
12 29, 2014, from the distribution system, storage tanks, and the two springs,
13 tested negative for total coliform bacteria.
- 14 • On May 23, 2014, an investigation report was emailed to the Water System, for
15 the May 2014 *E. coli* positive samples and total coliform MCL failure.
- 16 • On June 2, 2014, the Division received a completed copy of the investigation
17 report. A possible cause of the total coliform and *E. coli* positive samples was
18 described as contamination of piping during connection of the existing system
19 to new tank(s).
- 20 • All five (5) routine samples collected in June 2014 tested negative for total
21 coliform bacteria.
- 22 • Two (2) routine samples collected in July 2014 tested negative for total
23 coliform bacteria.
- 24 • Results of all (source and distribution) bacteriological samples collected from
25 January 2014 to July 2014 are summarized in **Attachment A**.
- 26
- 27

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the Division for the actual costs incurred by the Division for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...
(b) The Division shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the Division. The costs set forth in the invoice shall not exceed the total actual costs to the Division of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

"(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the Division may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the Division may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The Division shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any Division regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the Division determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the Division.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Division or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Division by the end of the business day on which this is determined, unless the determination occurs after the Division office is closed, in which case the supplier shall notify the Division within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the Division determines that the Kern County Parks and Recreation Department- Tehachapi Mountain Park Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for May 2014, when more than one sample collected in April 2014, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64426.1 (b)(3); Specifically, during the month of May 2014, two repeat samples tested positive for *E. coli* bacteria.
3. CCR, Title 22, Section 64426.1(b)(4); Specifically, during the month of May 2014, three repeat samples tested positive for total coliform bacteria following one (1) *E. coli* positive routine sample collected on May 19, 2014.
4. CCR, Title 22, Section 64426.1(c); Specifically, the Water System failed to notify the Division by the end of May 20, 2014, when a routine sample collected on May 19, 2014, tested positive for *E. coli* bacteria.

The above violations are classified as non-continuing violations.

DIRECTIVES

Kern County Parks and Recreation - Tehachapi Mountain Park Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2), 64426.1(b)(3), 64426.1(b)(4), and 64426.1(c) of Title 22, California Code of Regulations.

SEVERABILITY

The directives of this citation are severable, and Kern County Parks and Recreation Dept.– Tehachapi Mountain Park shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Division imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

Sep. 4, 2014

Date



Jaswinder S. Dhaliwal, P.E.

Senior Sanitary Engineer

Drinking Water Field Operations Branch

JSD/dc

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2013 – July 2014

CC: Kern County Environmental Health Services Department (w/o attachment)
Bob LeRude, Kern County Parks and Recreation Dept.

Attachment A

Kern Co P&R - Tehachapi Mt Park Water

1502325

Distribution System Freq: SPEC

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/6/2014	12:55	T-1 Office	A	A		Routine			
2/4/2014	12:00	T-1 Office	A	A		Routine			
3/10/2014	10:15	T-1 Office	A	A		Routine			
4/15/2014	8:15	T-1 Mess Hall	A	A		Routine			
4/15/2014	8:45	T-2 Office	A	A		Routine			
5/19/2014	8:10	OF- 1 Restroom O	P	P		Routine		MR8	Division not notified of E. coli positive within 24 hours of reporting
5/19/2014	8:35	T-1 Office	A	A		Routine			
5/22/2014	10:05	T-2 Mess Hall	P	P		Repeat			
5/22/2014	10:45	T-3 Oak Flat Restr	P	P		Repeat			
5/22/2014	11:05	T-4 Campsite 27	P	A		Repeat		MCL	Citation #03-19-14C-012 issued
5/27/2014	1:20	TW-7 Group Cam	A	A		Special			
5/27/2014	1:40	TW-4 Oak Flat Re	A	A		Special			
5/27/2014	1:45	TW-5 Campsite 4	A	A		Special			
5/27/2014	2:05	TE-7 Office	A	A		Special			
5/27/2014	9:35	TW-2 West Tank	A	A		Special			
5/27/2014	10:00	TW-3 Campsite 3	A	A		Special			
5/27/2014	10:40	TE-4 North Tank #	A	A		Special			
5/27/2014	11:10	TE-2 Campsite 31	A	A		Special			
5/27/2014	11:20	TE-3 Campsite 27	A	A		Special			
5/27/2014	11:55	TE-5 Campsite 22	A	A		Special			
5/27/2014	12:10	TE-6 Campsite 8	A	A		Special			
5/27/2014	12:45	TW-6 Mess Hall	A	A		Special			
5/29/2014	8:05	T2E7 Office	A	A		Special			
5/29/2014	8:40	T2E6 Campsite 8	A	A		Special			
5/29/2014	8:55	T2E5 Campsite 22	A	A		Special			
5/29/2014	9:10	T2W3 Campsite 3	A	A		Special			
5/29/2014	9:20	T2E3 Campsite 27	A	A		Special			
5/29/2014	9:30	T2E2 Campsite 31	A	A		Special			
5/29/2014	10:10	T2E4 North Tank	A	A		Special			
5/29/2014	10:45	T2W2 West Tank	A	A		Special			
5/29/2014	11:25	T2W6 Mess Hall	A	A		Special			
5/29/2014	11:35	T2W7 Group Cam	A	A		Special			
5/29/2014	12:35	T2W4 Oak Flat Re	A	A		Special			
5/29/2014	12:45	T2W5 Campsite 4	A	A		Special			
6/3/2014	9:05	T-1 Office	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
6/3/2014	9:40	T-2 Mess Hall	A	A		Routine			
6/16/2014	8:35	T2 Campsite 48	A	A		Routine			
6/16/2014	9:30	T3 Oak Flat Restr	A	A		Routine			
6/16/2014	10:00	T-1 Campsite 27	A	A		Routine			
7/8/2014	11:00	T-1 Campsite 12	A	A		Routine			
7/8/2014	11:45	T-2 Campsite 49	A	A		Routine			

Kern Co P&R - Tehachapi Mt Park Water

1502325

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
5/22/2014	8:55	T-1 West Spring	A	A			Repeat
5/27/2014	8:55	TW-1 West Spring	A	A			Special
5/27/2014	10:55	TE-1 East Spring	A	A			Special
5/29/2014	10:10	T2E1 East Spring	A	A			Special
5/29/2014	10:30	T2W1 West Spring	A	A			Special
